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 11 **UNITED STATES DISTRICT COURT**
 12
 13 **DISTRICT OF NEVADA**

14 MARILYN KENDRICK,
 15 Plaintiff,
 16 vs.
 17 SAM'S WEST, INC. dba SAM'S CLUB STORE
 18 #6257; DOES 1 through 10; and ROE
 19 CORPORATIONS 1 through 10, inclusive,
 20 Defendants.

21 Case No.: 2:23-cv-02118-GMN-EJY

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 23 **STIPULATION AND ORDER TO**
 24 **EXTEND DISCOVERY PLAN AND**
 25 **SCHEDULING ORDER**
 26 **(FOURTH REQUEST)**

27 Plaintiff, MARILYN KENDRICK ("Plaintiff"), and Defendant, SAM'S WEST, INC. dba
 28 SAM'S CLUB STORE #6257 ("Defendant"), by and through their respective attorneys of record,
 hereby submit this Stipulation and Order to Extend Discovery Deadlines (Fourth Request) for the
 Court's consideration pursuant to LR 26-4.

29 **I. DISCOVERY COMPLETED**

30 1. On November 17, 2023, Plaintiff filed her Complaint.
 31 2. On December 21, 2023, Defendant filed its Answer to Plaintiff's Complaint.
 32 3. On December 22, 2023, Defendant removed the case to the U.S. District Court.
 33 4. On February 21, 2024, Plaintiff served her initial FRCP disclosures.
 34 5. On February 26, 2024, Defendant served its initial FRCP disclosures.
 35 6. On May 2, 2024, Plaintiff served her first supplemental FRCP disclosures.
 36 7. On May 17, 2024, Plaintiff served her second supplemental FRCP disclosures.
 37 8. On June 25, 2024, a Site Inspection was completed.
 38 9. On July 2, 2024, Plaintiff served her first Request for Interrogatories.

1 10. On July 2, 2024, Plaintiff served her first Request for Production.
2 11. On July 2, 2024, Plaintiff served her first Request for Admissions.
3 12. On July 3, Defendant served its First Request for Admissions.
4 13. On July 3, 2024, Defendant served its First Request for Production.
5 14. On July 3, 2024, Defendant served its First Set of Interrogatories.
6 15. On July 10, 2024, Plaintiff served her third FRCP disclosures
7 16. On July 16, 2024, Plaintiff served her Responses to Requests for Admissions.
8 17. On August 15, 2024, Plaintiff served her Responses to Requests for Production.
9 18. On August 19, 2024, Plaintiff served her Answers to Interrogatories.
10 19. On August 29, 2024, Defendant took Plaintiff's deposition.

11 **II. DISCOVERY REMAINING**

12 1. Deposition of Sam's West, Inc. pursuant to FRCP 30(b)(6).
13 2. Expert discovery and depositions.
14 3. Depositions of Plaintiff's treating providers.
15 4. Depositions of percipient witnesses.

16 **III. REASONS WHY DISCOVERY NOT COMPLETED WITHIN THE TIME SET BY DISCOVERY PLAN**

17 Good cause exists in this case to grant a discovery extension. Although this is the parties' fourth
18 request for an extension of the discovery deadlines in this matter, the parties have diligently worked to
19 move the case forward and have been working toward early settlement. To that end, the parties attended
20 a private mediation conference with Honorable Trevor Atkin (Ret.) on November 7, 2024, but the case
21 did not settle in mediation and the parties wish to continue expert discovery. Additionally, Defendant's
22 representation in this matter recently transferred to new defense counsel and a brief extension of time
23 is needed for new defense counsel to prepare for expert discovery.

24 In addition, a new Defendant was recently identified and the parties are working on a
25 stipulation to Amend the Complaint to include this new Defendant.

26 Thus, the parties request that current discovery deadlines be extended by 60 days as detailed
27 below to allow time for discovery to continue.

LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. This stipulation is made more than 21 days before the expiration of the deadlines requested and is the fourth request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

IV. ~~PROPOSED~~ SCHEDULE FOR COMPLETING REMAINING DISCOVERY

DISCOVERY	CURRENT DEADLINE	PROPOSED DEADLINE
Add Parties and Amend Pleadings	CLOSED	CLOSED
Initial Expert Disclosure	December 9, 2024	February 7, 2025
Rebuttal Expert Disclosure	January 9, 2025	March 7, 2025
Close of Discovery	February 6, 2025	April 5, 2025
Dispositive Motions	March 7, 2025	May 7, 2025
Joint Pretrial Order	April 11, 2025	June 10, 2025

1 WHEREFORE, the parties respectfully request that this Court extend the discovery period
 2 by sixty (60) days from the current deadline of *February 6, 2025*, up to and including *April 5,*
 3 *2025*, and the other dates as outlined in accordance with the table above.

4 DATED this 15th day of November,
 5 **2024. REMMEL LAW FIRM**

6 /s/ Jonathan T. Remmel
 7 JONATHAN T. REMMEL, ESQ. (8627)
Attorney for Plaintiff
 8 MARILYN KENDRICK

DATED this 15th day of November, 2024.
LAW OFFICE OF FOULGER & PECK

/s/ Raymond E. McKay
 JASON M. PECK, ESQ. (10183)
 RAYMOND E. MCKAY, ESQ. (8569)

HALL & EVANS, LLC.
 KURT R. BONDS, ESQ. (6228)
 TANYA M. FRASER, ESQ. (13872)

Attorneys for Defendant
 SAM'S WEST, INC. *dba*
 SAM'S CLUB STORE #6257

13 **ORDER**

14 **IT IS SO ORDERED:**

15 Dated this 19th day of November, 2024.

16 Submitted by:
REMMEL LAW FIRM

17 /s/ Jonathan T. Remmel
 18 JONATHAN T. REMMEL, ESQ. (8627)
Attorney for Plaintiff


 19 Clayton J. Zouchah
 UNITED STATES MAGISTRATE JUDGE

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